



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hiromi SAITO

Group Art Unit: 2871

Application No.: 10/608,475

Examiner: M. T. T. Ton

Filed: June 30, 2003

Docket No.: 104455.01

For: ELECTRO-OPTICAL PANEL, ELECTRO-OPTICAL PANEL MODULE, AND PROTECTION DISPLAY DEVICE

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In reply to the September 7, 2004 Election of Species Requirement, Applicant provisionally elects Species A, with traverse.

The Election of Species Requirement requires election between Species A, Species B and Species C. Applicant asserts that claims 1-3 and 6 are readable on Species A, with claims 1 and 6 being generic to all species.

Under MPEP §808.02, the Examiner must show either (1) separate classification, (2) separate status in the art, or (3) a different field of search. Applicant submits that the subject matter overlap of all claims 1-6 within the art enables a search for one species to be co-extensive with the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

MPEP §803 states that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions" (emphasis added).

Applicant respectfully submits that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested. In view of the foregoing, prompt and favorable examination on the merits is respectfully solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:GWT/gwt

Date: October 5, 2004

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